

# **EXHIBIT P**

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 IN RE: TERRORIST ATTACKS ON  
4 SEPTEMBER 11, 2001

03 MDL 1570 (GBD) (FM)

5 -----x  
6 New York, N.Y.  
7 October 20, 2016  
8 11:30 a.m.

9 Before:

HON. SARAH NETBURN,

Magistrate Judge

11 APPEARANCES

12 KREINDLER & KREINDLER  
13 Attorneys for Ashton Plaintiffs  
14 BY: JAMES KREINDLER

15 MOTLEY RICE  
16 Attorneys for Burnett Plaintiffs  
17 BY: ROBERT T. HAEFELE  
18 JODI WESTBROOK FLOWERS

19 ANDERSON KILL & OLICK  
20 Attorneys for O'Neill Plaintiffs  
21 and Plaintiff's Executive Committee  
22 BY: JERRY S. GOLDMAN

23 WIGGINS, CHILDS, QUINN & PANTAZIS  
24 Attorneys for Havlish and Hoglan Plaintiffs  
25 BY: TIMOTHY B. FLEMING  
DENNIS G. PANTAZIS

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1 THE COURT: Why don't we assume now that we will have  
2 oral argument on the motion on the 18th of January unless I  
3 find that of all my other cases disappear and I have nothing  
4 else to do but focus on this motion in the next month or two.

5 MR. KABAT: Your Honor, I'm also the attorney for  
6 Perouz Sedaghaty, and we're willing to rest on the submission  
7 of docket number 3317, which is our letter to Judge Mass from  
8 July 15. But if you wish to have oral argument, we're willing  
9 to participate on January 18 or some later date with respect to  
10 the motion that you mentioned.

11 THE COURT: Okay. Thank you very much.

12 On my schedule, the next question is: Are there any  
13 other pending motions? Anything else that I should know about?

14 MR. CARTER: Your Honor, Sean Carter again. It's not  
15 so much a pending motion as there are a few loose ends relating  
16 to issues that Judge Maas addressed previously.

17 Judge Maas had issued a monetary penalty against Wa'el  
18 Jalaidan, one of the defendants involved in discovery. Judge  
19 Daniels thereafter formalized that monetary penalty and  
20 required defendant Jalaidan, who has an executive order 13224  
21 especially designated global terrorist, to undertake steps to  
22 obtain a license from the Office of Foreign Assets Control, as  
23 would be required in order to make payment of the penalty to  
24 us.

25 Several months ago there was an indication that an

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1 application to the Office of Foreign Assets Control had been  
2 submitted. It's been quite a while and we haven't heard  
3 anything further regarding the issue, so from the plaintiffs'  
4 perspective I think we're wondering whether or not the license  
5 has been issued; if it has not, whether or not we can perhaps  
6 see some of the communications with the Office of Foreign  
7 Assets Control so we can better understand what the delay might  
8 be, and to the extent the license has been issued, whether or  
9 not the defendant intends to make the payment mandated by the  
10 Court.

11 THE COURT: Is the Court the entity that was supposed  
12 to make this application?

13 MR. CARTER: No, the defendant himself made the  
14 application and affirmed to the Court, and as required by Judge  
15 Daniels, that an application had been submitted.

16 THE COURT: I'm sorry, I'm not clear on what you're  
17 asking of me, or maybe you're just giving me an update.

18 MR. CARTER: Your Honor, I think what we're asking is  
19 that counsel for defendant Jalaidan apprise both the Court and  
20 the plaintiffs as to the status of the application to obtain  
21 the license necessary to make this payment, and if the license  
22 has been issued, to explain why the payment has not issued.

23 THE COURT: Okay. Is counsel for Wa'el Jalaidan in  
24 the room?

25 No.

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1 MR. CARTER: I don't think so, your Honor.

2 THE COURT: I will take that request under advisement.

3 Okay. Before we end let me pull the lens back a  
4 little bit now and talk to you all about going forward with  
5 this case. And maybe, Mr. Carter, you're the one to talk to me  
6 about this. Is there a vision of how this case moves forward  
7 in this sort of traditional litigation posture, which is to say  
8 is there a schedule for discovery, should there be a schedule  
9 for discovery, are there depositions that can be taken and  
10 should be taken? Where are things?

11 MR. CARTER: Your Honor, what we did I think a little  
12 over a year ago, with Judge Maas' approval, is to suggest a  
13 sort of rolling schedule for filing motions to compel as to the  
14 defendants. And the deadline for filing the motions to compel  
15 was determined in large degree by when the defendants  
16 themselves indicated that they would be done making their  
17 rolling productions of documents.

18 The two problems that we had encountered were, one, in  
19 an environment where the defendants were still producing  
20 documents, it was very difficult for us to determine what might  
21 be missing, and therefore very difficult for us to file the  
22 necessary motions to compel.

23 And in the same vain, in a world where there was a  
24 potential that a massive influx of additional documents were  
25 going to be submitted, it was difficult for us to move forward